

MEETINGS: 11
NO. OF REGULAR: 9

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
August 27, 2018 7:00PM

ROLL CALL: Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz –

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Peterson the July 23, 2018 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hamernik, and seconded by Trustee Bukowiecki the August 2, 2018 Planning Board Minutes were approved.

1. Mr. Peter Tunkey - 125 Taylor Drive, Depew, NY. The following matters to be reviewed: To obtain concept pre-approval for building addition and renovation. Approve with stipulations

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Jakubowski the August 7, 2018 Zoning Board Minutes were accepted with stipulation.

1. George A. Smolen - 74 Cardy Lane, - request an area variance to allow him to widen his driveway less than 3 feet from the property line; he is requesting a setback of .28 feet (3 3/8 inches) – accept with stipulations

PUBLIC COMMENT

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING –
LOCAL LAW 240-9, NO PARKING ON PORTION OF LACKAWANNA
AVENUE**

Trustee Bukowiecki, offered the following resolution and moved for its adoption:

WHEREAS, the Chief of Police has determined that a safety issue occurs due to a lack of sight lines when cars are parked at the corner of Lackawanna Avenue and Terrace Boulevard, and

WHEREAS, the Chief of Police has recommended that a “No Parking Here to Corner” sign, located on Lackawanna Avenue, 30 feet from the intersection with Terrace Boulevard would improve sight lines for cars entering the intersection and therefore improve the traffic safety at that intersection, and

WHEREAS, the Village Board of Trustees wishes to follow the recommendation of the Chief of Police and place a “No Parking Here to Corner” sign as set forth above,

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for public hearing to be held on September 24, 2018 at 7:00pm in regards to amending the section of the Village Code Section 240-9 which reads:

Lackawanna Avenue

No standing anytime on the east side from the north curblineline of Broadway to the south curblineline of Terrace Boulevard.

by adding:

No Parking on the west side of Lackawanna Avenue from a point 30 feet south of the intersection of Terrace Boulevard and Lackawanna Avenue and running northerly to the curblineline of Terrace Boulevard.

The forgoing resolution was seconded by Trustee Hamernik, and **CARRIED**.

Trustee Jakubowski
Trustee Bukowiecki - Y
Trustee Hamernik - Y
Trustee Peterson – Y
Mayor Nikonowicz – Y

APPOINT PART TIME LONG TERM SEASONAL REC EMPLOYEE

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint

Arcadio Alfaro - 80 Banko Drive, Depew, NY 14043

to the position of Part Time Seasonal Long-Term Recreation Employee at \$11.76 per hour effective September 4, 2018.

The forgoing nomination was acted upon in the following manner by the Board of Trustees:

Trustee Jakubowski – Y
Trustee Bukowiecki - Y
Trustee Hamernik - Y
Trustee Peterson - Y
Mayor Nikonowicz - Y

APPROVE BOND COUNSEL FEE

Trustee Jakubowski, offered the following resolution and moved for its adoption:

WHEREAS, Hodgson Russ, LLP provided additional bond counsel services in the amount of \$5,000 for the amended Bond Resolution dated February 26, 2018; and

WHEREAS, the amended bond resolution was required by NYS Environmental Facilities Corporation (EFC) for the financing of a sanitary sewer infrastructure project;

BE IT RESOLVED, Village Board authorizes the payment of \$5,000 for such services.

The following resolution was seconded by Trustee Peterson, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski - Y
Trustee Bukowiecki-Y
Trustee Hamernik- Y
Trustee Peterson - Y
Mayor Nikonowicz - Y

AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION

Trustee Hamernik, offered the following resolution and moved for its adoption:

WHEREAS, the State of New York Unified Court System is offering a Justice Court Assistance Program with grants available up to \$30,000 and Judge Willis would like to apply for this program,

BE IT RESOLVED, Mayor Jesse Nikonowicz and the Board of Trustees hereby approve this application and Mayor Jesse Nikonowicz is authorized to sign the Justice Court Assistance Program Grant Application.

The following resolution was seconded by Trustee Bukowiecki, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski - Y
Trustee Bukowiecki -Y
Trustee Hamernik – Y
Trustee Peterson - Y
Mayor Nikonowicz - Y

DECLARING SURPLUS PROPERTY

Trustee Peterson, offered the following resolution and moved for its adoption:

WHEREAS, the Village has retained two strips of property running between Sherwood Court and Buchanan Street off of Rossiter Avenue and Bissell Avenue; and one strip of property running from Sherwood Court to the Scajaquada Creek opposite Seabert Street, and

WHEREAS, that the Village retained those strips of property in the event that they wished to add or connect Village streets, and they are in the nature of “paper streets” that were never completed, and

WHEREAS, the Village no longer intends to build additional roads with those strips of land, and

WHEREAS, the Village wishes to put those strips of property back on the public tax rolls,

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees declares the two “paper streets” running between Sherwood Court and Buchanan Street off of Rossiter Avenue and Bissell Avenue; and one “paper street” running from Sherwood Court to the Scajaquada Creek opposite Seabert Street to be surplus property, and it is

FURTHER RESOLVED that the Village Administrator shall hire a professional person or persons to get updated title searches that provide the Village with proof of title to the property, to divide the property into saleable parcels and appraise the parcels, and to provide a survey of the parcels, and it is

FURTHER RESOLVED that the Village Administrator shall notify adjoining property owners by letter and advertise the parcels for sale with a minimum price and by sealed bids, and it is

FURTHER RESOLVED that upon the sale of any parcels the Mayor is authorized to sign any necessary paperwork to facilitate the lawful transfer of the parcels.

The foregoing resolution was seconded by Trustee Jakubowski and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski - Y
Trustee Bukowiecki- Y
Trustee Hamernik- Y
Trustee Peterson - Y
Mayor Nikonowicz - Y

PERMISSION – DEPEW HIGH SCHOOL MOTORCADE

Trustee Bukowiecki, offered the following resolution and moved for its adoption:

WHEREAS, the Depew High School Student Senate has made application for a Motorcade escort for Friday, October 12, 2018 at approximately 12 PM, and

WHEREAS, said motorcade route and traffic enforcement has been authorized by the Police Department and the Depew Fire Department will participate in the Motorcade.

NOW, THEREFORE BE IT RESOLVED, that permission is granted to the Lancaster High School Senate to hold the above-mentioned Motorcade on Friday, October 12, 2018.

The forgoing resolution was seconded by Trustee Hamernik, and **CARRIED**.

PERMISSION – DEPEW HIGH SCHOOL BONFIRE

Trustee Jakubowski, offered the following resolution and moved for its adoption:

BE IT RESOLVED, permission is hereby granted to the Depew High School Varsity D Club to hold their annual bonfire on Tuesday October 9, 2018 at 7:30 PM on the football practice field behind the Depew Schools bus garage. The Depew Fire Department will be present to provide fire protection with the following stipulations:

1. The Fire Marshall must meet with an adult advisor prior to 6:30 pm on the day of the event to inspect the site and review emergency procedures.
2. No flammable liquids are to be used in lighting the bonfire.
3. The Depew Fire Department will supervise the lighting of the bonfire and will remain on standby for the duration of the event.
4. The Depew Fire Department reserves the right to cancel the bonfire in the event of adverse weather conditions (high winds) or any other condition that may adversely affect public safety.

Depew Police personnel will be present to maintain order and supply necessary traffic enforcement.

The forgoing resolution was seconded by Trustee Peterson, and **CARRIED**

AUTHORIZATION EMERGENCY REMEDIATION

Trustee Hamernik, offered the following resolution and moved for its adoption:

WHEREAS, in response to a complaint, the Code Enforcement Office made an exterior inspection of the building located at 570 Gould Ave. and

WHEREAS, the inspector found the exterior conditions unsafe with broken windows that allow unauthorized entry and grass and weeds in excess of 10 inches, and

BE IT RESOLVED, that pursuant to Chapter 81 and specifically 81-3(k) of the Depew Village Code, the building or structure which remains vacant and unattended continuously for a period of one year or longer without adequate safeguards to prevent unauthorized entry, and

BE IT FURTHER RESOLVED, that pursuant to Chapter 81, subdivision 11 of the Depew Village Code the Board of Trustees finds that the structural deficiencies set forth above appear to present a clear and imminent danger to the life safety or health of any person or property unless it is immediately repaired and secured or demolished, and

BE IT FURTHER RESOLVED, that the Village of Depew Board of Trustees approves the Declaration for Emergency Remediation of the unsafe exterior and grass and weeds in excess of 10 inches, at the premises at 570 Gould Ave, (SBL #104.63-2-3), in the Village of Depew, for safety reasons, and

BE IT FURTHER RESOLVED, that pursuant to Chapter 81, subdivision 10 of the Depew Village Code, the cost of said removal shall be assessed against the land on which said building is located, levying on the tax bill if needed.

The foregoing resolution was seconded by Trustee Bukowiecki, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski – Y
Trustee Bukowiecki – Y
Trustee Peterson – Y
Trustee Hamernik – Y
Mayor Nikonowicz – Y

RESOURCE OFFICER CONTRACT WITH DEPEW UNION FREE SCHOOL

Trustee Peterson, offered the following resolution and moved for its adoption:

WHEREAS, there have been recent events involving attacks against schools that have shown the need for greater security, and a greater police presence within schools, and

WHEREAS, the Depew Union Free School District through the assistance of Assembly member Monica Wallace has received a grant of \$75,000.00 to fund a full-time School District Resource Officer for the 2018-19 school year, and

WHEREAS, the Village of Depew Police Department has had a part time presence within the Depew Schools for several years, and is uniquely qualified to provide a local police officer to act as the school resource officer to the Depew Union Free School District on a full time basis with the funding available through the grant, and

WHEREAS, the Village of Depew Police Department and the Depew Union Free School District have negotiated a mutually beneficial agreement to provide the services sought for the 2018-19 school year,

NOW, BE IT RESOLVED that the Board of Trustees authorizes Mayor Jesse Nikonowicz to enter into and sign the Agreement on behalf of the Village.

The forgoing resolution was seconded by Trustee Jakubowski, and **CARRIED**.

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Hamernik – Y
Mayor Nikonowicz – Y

AMEND POLICE DEPARTMENT EMPLOYEE HANDBOOK

Trustee Bukowiecki, offered the following resolution and moved for its adoption:

WHEREAS, the Chief of Police has determined the necessity to amend the Depew Police Department Policies and Procedures handbook by adding a policy related to female police officers and pregnancy titled “Policy on Pregnancy, and

WHEREAS, the Chief of Police has followed the model policy used by the federal law enforcement agencies, which is in compliance with all state and federal laws and rights, and

NOW, BE IT RESOLVED that the “Policy on Pregnancy” shall be added to the Depew Police Department Policies and Procedure handbook, and all employees shall be given a copy of the new policy.

The forgoing resolution was seconded by Trustee Hamernik, and **CARRIED**.

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Hamernik - Y
Trustee Peterson - Y
Mayor Nikonowicz – Y

PERMISSION SEMINAR

Trustee Hamernik, offered the following resolution and moved for its adoption:

BE IT RESOLVED, permission is hereby granted to Deputy Clerk Melissa Dabb and Trustee Donald Jakubowski to attend the NYCOM’s Fall Conference on September 24-28, 2018 at The Crowne Plaza Hotel in Lake Placid, NY. The fee is \$445.00 for the conference. Use of a village vehicle is authorized.

The foregoing resolution was seconded by Trustee Peterson and **CARRIED**.

PERMISSION – DEPEW FIRE DEPT

Trustee Jakubowski, offered the following resolution and moved for its adoption:

Permission is hereby granted to Central Hose Company #4 to use the North Side Fire Station for the Annual Polish Dinner Fundraiser on Saturday September 22, 2018 from 9:00 AM–10:00 PM.

The foregoing resolution was seconded by Trustee Bukowiecki, and **CARRIED**

EMPLOYMENT APPLICATIONS – DPW – Brian Ardino, Village Hall – Daniel Farrell, Police – William Kidder, Mark Filipski, Justin Lauer, REC - Arcadio Alfaro, Arianna Dommell, Ana Pyc

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Peterson and seconded by Trustee Hamernik Police July 2018 were approved.

UNFINISHED AND OTHER BUSINESS

PUBLIC CONCERNS AND COMMENTS

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Bukowiecki seconded by Trustee Peterson, the following claims are to be paid: \$352,166.20 General, \$2,154.40 Community Development, \$1,027.40 Sewer, \$234,491.23 Capital Projects and \$589,839.23 Capital was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski seconded by Trustee Hamernik, the meeting was adjourned at 7:25 PM. The motion was **CARRIED**.

Respectfully submitted,

Bryan Gazda
Village Administrator